

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
AMARILLO DIVISION**

**EDDIE BRIGHT,**

**Plaintiff,**

**v.**

**WALGREEN CO.,**

**Defendant.**

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§

**CAUSE NO. \_\_\_\_\_**

**NOTICE OF REMOVAL**

TO THE UNITED STATES DISTRICT CLERK:

Please take Notice that Defendant WALGREEN CO., hereinafter referred to as “Defendant,” hereby removes to this Court the state court action described below, pursuant to 28 U.S.C. §§ 1441 and 1446, and shows the Court as follows:

**I. COURT’S JURISDICTION**

1. This is a civil action in which this Court has diversity jurisdiction pursuant to 28 U.S.C. § 1332 because the removal is based upon a controversy that exceeds \$75,000.00 and is between citizens of different states. This case may therefore be removed to this Court by Defendant pursuant to 28 U.S.C. § 1441(b).

**II. TIMELINESS OF REMOVAL**

2. The Plaintiff filed an Original Petition on October 8, 2020. Walgreen Co. was served on October 16, 2020. Defendant Walgreen Co. is removing this case within 30 days of the lawsuit having been served on it.

**III. VENUE**

3. Venue is proper in the Amarillo Division of the Northern District of Texas because a substantial part of the events or omissions giving rise to Plaintiff's claims occurred within the Amarillo Division. *See* 28 U.S.C. § 1391.

**IV. JURY DEMAND**

4. The Plaintiff made a Jury Demand in the state court action. *See Pl's Pet.* at p. 5.

**V. STATE COURT FILE**

5. Pursuant to LR 81.1, the State Action docket sheet, each document filed in the State Action, and an index of those documents showing the date each such document was filed are attached hereto as "Exhibit 1."

6. Notice of the filing of this removal is being filed concurrently in the District Court of Potter County, Texas, and is being provided to all parties to the underlying State Action.

WHEREFORE, PREMISES CONSIDERED, Defendant prays that notice be taken of the removal of the above-mentioned action now pending in the 108th Judicial District Court of Potter County, Texas styled No. 110021-E-CV; *Eddie Bright v. Walgreen Co. dba Walgreens*, in and for Potter County, Texas.

Respectfully submitted,

SPROUSE SHRADER SMITH PLLC  
John F. Massouh, Texas State Bar No. 24026866  
john.massouh@sprouselaw.com  
Blair Saylor Oscarsson, Texas State Bar No. 24056073  
blair.oscarsson@sprouselaw.com  
P. O. Box 15008 (79105-5008)  
701 S. Taylor Street, Suite 500  
Amarillo, Texas 79101  
Tel: (806) 468-3300  
Fax: (806) 373-3454

/s/ Blair Saylor Oscarsson

Blair Saylor Oscarsson  
ATTORNEYS FOR WALGREEN CO.,  
DEFENDANT

**CERTIFICATE OF SERVICE**

I hereby certify that on **November 9, 2020**, I electronically filed the foregoing document with the clerk of court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. The electronic case filing system will send a “Notice of Electronic Filing” to the following attorneys of record who have consented in writing to accept this Notice as service of this document by electronic means:

**ATTORNEY FOR PLAINTIFF**

Dustin Brown  
Stanley and Associates, PLLC  
2600 K Avenue, Suite 180  
Plano, Texas 75074  
Tel: (214) 570-4944  
Fax: (214) 540-4561  
[dustin@seriousinjury.legal](mailto:dustin@seriousinjury.legal)

/s/ Blair Saylor Oscarsson

Blair Saylor Oscarsson

# Exhibit 1

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
AMARILLO DIVISION**

**EDDIE BRIGHT,**

**Plaintiff,**

**v.**

**WALGREEN CO.**

**Defendant.**

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**CAUSE NO. \_\_\_\_\_**

**INDEX OF DOCUMENTS FILED IN STATE COURT**

**Description of Document**

**Date Filed**

State Court Docket Sheet and  
Information Sheet

N/A

Plaintiff's Original Petition

October 8, 2020

Request for Issuance - Citation

October 9, 2020

Issue – Citation Personal Service

October 13, 2020

Record Citation – Served Walgreen Co.  
d/b/a Walgreens October 16, 2020

October 20, 2020

Defendant's Motion to Transfer Venue and  
Original Answer

November 6, 2020

## Case Information

110021-E-CV | EDDIE BRIGHT VS. WALGREEN CO. D/B/A WALGREENS

**Case Number**

110021-E-CV

**File Date**

10/08/2020

**Court**

108th District Court

**Case Type**

Other Injury or Damage

**Judicial Officer**

Woodburn, Doug

**Case Status**

Pending

## Party

**Plaintiff**

Bright, Eddie

**Active Attorneys ▼**

Lead Attorney

Brown, Dustin

Retained

**Defendant**

WALGREEN CO.

**Aliases**

DBA WALGREENS

**Active Attorneys ▼**

Lead Attorney

OSCARSSON, BLAIR S.

Retained

## Events and Hearings

**10/08/2020 PLAINTIFF'S ORIGINAL PETITION (OCA) ▼**

**Comment**

Plaintiff's Original Petition and Request for Discovery

**10/09/2020 REQUEST FOR ISSUANCE ▼**

**Comment**

WALGREEN CO. D/B/A WALGREENS (TO BE EMAILED)

**10/13/2020 ISSUE - CITATION PERSONAL SERVICE**

**10/20/2020 RECORD CITATION ▼**

**Comment**

SERVED WALGREEN CO. D/B/A WALGREENS C/O PRENTICE HALL CORPORATION SYSTEM ON 10/16/20, ADRIANA ADAM, NO FEE LISTED

**11/06/2020 MOTION TO TRANSFER ▼**

**Comment**

Defendant's Motion to Transfer Venue and Original Answer (Walgreen Co dba Walgreens)

11/06/2020 DEFENDANT'S ORIGINAL ANSWER ▾

Comment  
Defendant's Motion to Transfer Venue and Original Answer (Walgreen Co dba Walgreens) \*\*Document attached to Motion\*\*

110021-E-CV

CAUSE NO. \_\_\_\_\_

<b>EDDIE BRIGHT</b>	§	<b>IN THE DISTRICT COURT</b>
<b>Plaintiff,</b>	§	
	§	
<b>v.</b>	§	<b>108th</b>
	§	<b>JUDICIAL DISTRICT</b>
	§	
<b>WALGREEN CO. D/B/A</b>	§	
<b>WALGREENS</b>	§	
<b>Defendant.</b>	§	<b>POTTER COUNTY, TEXAS</b>

**PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCOVERY****TO THE HONORABLE JUDGE OF SAID COURT:**

**NOW COMES EDDIE BRIGHT**, hereinafter called Plaintiff, complaining of and about **WALGREEN CO. DBA WALGREENS**, hereinafter called Defendant, and for cause of action shows unto the Court the following:

**DISCOVERY CONTROL PLAN LEVEL**

1. Plaintiff intends that discovery be conducted under Discovery Level 2. Pursuant to Texas Rule of Civil Procedure 190.1 and 47(c)(3), Plaintiff seeks monetary relief over \$100,000 but not more than \$250,000.

**PARTIES AND SERVICE**

2. Plaintiff Eddie Bright is an individual who is a resident of Texas.

3. Defendant Walgreen Co. d/b/a Walgreens, a foreign limited liability company, may be served with process through its registered agent: Prentice Hall Corporation System, whose registered agent's address is listed as: 211 E. 7<sup>th</sup> Street, Suite 620, Austin, Texas 78701. Service of said Defendant as described above can be effected by personal delivery. Plaintiff requests that citation be issued via eService to Plaintiff's counsel and Plaintiff be allowed to have Defendant served via private process server. If service is not available in this manner, please mail the citation to Plaintiff's counsel.



### **JURISDICTION AND VENUE**

4. The subject matter in controversy is within the jurisdictional limits of this court.

5. This court has jurisdiction over Defendant Walgreen Co., because said Defendant purposefully availed itself of the privilege of conducting activities in the state of Texas and established minimum contacts sufficient to confer jurisdiction over said Defendant. The assumption of jurisdiction over Defendant Walgreen Co., will not offend traditional notions of fair play and substantial justice and is consistent with the constitutional requirements of due process.

6. Potter County is proper in this cause under Section 15.002(a)(1) of the Texas Civil Practice and Remedies Code because all or a substantial part of the events or omissions giving rise to this lawsuit occurred in this county.

### **FACTS**

7. On or about March 07, 2019, Plaintiff was walking in a Walgreens Store, located at 3320 Bell Street, Amarillo, TX 79106, exercising ordinary care for his safety and the safety of others when he slipped and fell due to some plastic wrap trash that was on the floor as he walked towards the pharmacy.

8. Plaintiff fell because Defendant failed to clean the floor and/or keep trash off the floor and as a result of this fall, Plaintiff sustained serious personal injuries.

### **RES IPSA LOQUITUR**

9. Because Defendant was in exclusive control over the flooring at the time of this injury, Plaintiff relies on the doctrine of *res ipsa loquitur* in that Plaintiff will show that the character of the occurrence giving rise to this litigation is such that it would not have happened in the absence of negligence, and that the maintenance and safety of the flooring was within the exclusive control of the Defendants at the time the negligence occurred.

**PLAINTIFF'S CLAIM OF PREMISES LIABILITY  
AGAINST WALGREEN CO.**

10. Defendant Walgreen Co. was in control of the property in question. Defendant knew or should have known that Plaintiff, or someone similarly situated to the Plaintiff, would be a business invitee on the premises, and as such had a duty to the Plaintiff. 11. Defendant Walgreen Co. breached its duty by allowing an unsafe condition to exist that, through the exercise of ordinary care, was known or should have been known; and/or

12. Defendant Walgreen Co. breached its duty by failing to exercise reasonable prudence in failing to maintain a safe walking area for its customers.

**PLAINTIFF'S CLAIM OF NEGLIGENCE  
AGAINST DEFENDANT WALGREEN CO.**

13. Defendant Walgreen Co. had a duty to exercise the degree of care that a reasonably careful business would use to avoid harm to others under circumstances similar to those described herein.

14. Plaintiff's injuries were proximately caused by Defendant's negligent, careless, and reckless disregard of said duty.

15. The negligent, careless, and reckless disregard of duty of Defendant Walgreen Co. consisted of, but is not limited to, the following acts and omissions:

- A. Defendant failed to keep a proper lookout for Plaintiff's safety that would have been maintained by a business exercising ordinary prudence under the same or similar circumstances;
- B. Defendant failed to instruct its employees to clean up potentially dangerous spills from the walkway area of the store in a way that a business exercising ordinary prudent care would have done; and
- C. Defendant failed to post signs warning of the unreasonable danger as a business exercising ordinary prudent care would have done under the same or similar circumstances.

**DAMAGES FOR PLAINTIFF EDDIE BRIGHT**

16. As a direct and proximate result of the occurrence made the basis of this lawsuit, Defendant caused Plaintiff to suffer bodily injury, and to incur the following damages:

- A. Reasonable medical care and expenses in the past. These expenses were incurred by Plaintiff for the necessary care and treatment of the injuries resulting from the accident complained of herein and such charges are reasonable and were usual and customary charges for such services in Potter County, Texas;
- B. Reasonable and necessary medical care and expenses which will in all reasonable probability be incurred in the future;
- C. Physical pain and suffering in the past;
- D. Physical pain and suffering in the future;
- E. Physical impairment in the past;
- F. Physical impairment which, in all reasonable probability, will be suffered in the future;
- G. Lost wages.
- H. Mental anguish in the past; and
- I. Mental anguish in the future.

**PLAINTIFF'S REQUEST FOR DISCOVERY**

**Request for Disclosure**

Defendant is hereby requested to disclose, within fifty (50) days of service of this petition and incorporated request, the information or material described in Rule 194.2(a)-(i) of the Texas Rules of Civil Procedure, to the undersigned counsel of record for Plaintiff.

**Request for Admissions**

Defendant is hereby requested to admit or deny, in writing, within (50) days of service of this petition and incorporated request, the propositions of fact and/or law attached hereto as "*Exhibit A*," pursuant to Rule 198 of the Texas Rules of Civil Procedure, to the undersigned counsel

of record for Plaintiff.

**RULE 193.7 NOTICE**

Pursuant to rule 193.7 of the Texas Rules of Civil Procedure, Plaintiff hereby gives notice that any and all documents produced by either Plaintiff or Defendant may be used at any pretrial proceeding or at a trial of this matter.

**PRAYER**

**WHEREFORE, PREMISES CONSIDERED,** Plaintiff Eddie Bright respectfully prays that Defendant be cited to appear and answer herein, and that upon a final hearing of the cause, judgment be entered for the Plaintiff against Defendant, jointly and severally, for damages in an amount within the jurisdictional limits of the Court together with pre-judgment interest from the date of injury through the date of judgment at the maximum rate allowed by law, post-judgment interest at the legal rate, costs of court, and such other and further relief to which the Plaintiff may be entitled at law or in equity.

Respectfully submitted,

Stanley and Associates, PLLC  
2600 K Avenue, Suite 180  
Plano, TX 75074  
Tel. (214) 570-4944  
Fax (214) 540-4561

By: /s/ Dustin Brown  
Dustin Brown  
Texas Bar No. 24076985  
Dustin@seriousinjury.legal  
**Attorney for Plaintiff**

**PLAINTIFF HEREBY DEMANDS TRIAL BY JURY**

**“EXHIBIT A”**

**PLAINTIFFS’ FIRST REQUEST FOR ADMISSIONS TO  
DEFENDANT FERNANDO SANDOVAL DEFINITIONS AND INSTRUCTIONS**

1. As used herein, the terms, “you” and “your” shall mean Fernando Sandoval and all attorneys, agents, and other natural persons or business or legal entities acting or purporting to act for or on behalf of Fernando Sandoval whether to do so or not.
2. As used herein, the term “collision” shall refer to the collision that occurred on November 2, 2019 and that makes the basis of this suit.
3. “Person” or “Persons” means any natural persons, firms, partnerships, associations, joint ventures, corporation and any other form of business organization or arrangement, as well as governmental or quasi-governmental agencies. If other than a natural person, include all-natural persons associated with such entity.

**PLAINTIFF’S REQUEST FOR ADMISSIONS TO DEFENDANT**

**REQUEST NO. 1:** Admit Defendant has been properly named in Plaintiff’s most recently filed Petition.

**RESPONSE:**

**REQUEST NO. 2:** Admit that venue is proper.

**RESPONSE:**

**REQUEST NO. 3:** Admit that this is a convenient forum.

**RESPONSE:**

**REQUEST NO. 4:** Admit that the Court in which this matter is pending has personal jurisdiction over you.

**RESPONSE:**

**REQUEST NO. 5:** Admit that the Court in which this matter is pending has subject matter jurisdiction over this matter.

**RESPONSE:**

**REQUEST NO. 6:** Admit that you were informed that the plastic trash on the floor was an unreasonably dangerous condition prior to the occurrence giving rise to this lawsuit.

**RESPONSE:**

**REQUEST NO. 7:** Admit that Plaintiff was an invitee on your Premises.

**RESPONSE:**

**REQUEST NO. 8:** Admit that Defendant did not put a notice for the trash in question

**RESPONSE:**

**REQUEST NO. 9:** Admit Defendant was responsible for inspecting the trash on the floor in question.

**RESPONSE:**

**REQUEST NO. 10:** Admit that Plaintiff's injury required medical care.

**RESPONSE:**

**REQUEST NO. 11:** Admit that you take some responsibility for the Plaintiff's injury in this case.

**RESPONSE:**

**REQUEST NO. 12:** Admit that Plaintiff did not contribute to the injuries sustained in this case.

**RESPONSE:**

**REQUEST NO. 13:** Admit that the injuries sustained by Plaintiff after the incident at issue were the result of Defendant failing to warn of the dangers in question.

**RESPONSE:**

Filed  
Garley Snider  
District Clerk  
10/9/2020 8:00 AM  
Potter County, Texas  
By KG Deputy

## REQUEST FOR ISSUANCE

**CAUSE NUMBER:** 110021-E-CV

**TYPE OF ISSUANCE:** \*E-FILING-YOU MUST ASSESS THE TYPE OF ISSUANCE, TYPE OF SERVICE, SERVICE FEES, AND COPY FEES ACCORDINGLY\*

- ☒ CITATION  
☐ PRECEPT  
☐ TRO  
☐ PROTECTIVE ORDER  
☐ ABSTRACT OF JUDGMENT  
☐ WRIT OF EXECUTION  
☐ OTHER: \_\_\_\_\_

**TYPE OF SERVICE:**

- ☐ POTTER COUNTY SHERIFF \*SERVICE FEE AND COPY FEE REQUIRED\*  
☐ CIVIL PROCESS SERVER-AUTHORIZED PERSON TO PICK-UP: \_\_\_\_\_  
☐ POSTING \*SERVICE FEE AND COPY FEE REQUIRED\*  
☐ PUBLICATION \*SERVICE FEE REQUIRED\*  
☐ CERTIFIED MAIL \*SERVICE FEE AND COPY FEE REQUIRED\*  
☐ TO BE MAILED TO PARTY REQUESTING SERVICE \*SELF ADDRESSED STAMPED ENVELOPE AND/OR POSTAGE FEE REQUIRED\*  
☒ TO BE EMAILED TO PARTY REQUESTING SERVICES-**MUST INCLUDE EMAIL ADDRESS**

**TITLE OF DOCUMENT:** Citation

**FOR EACH PARTY SERVED YOU MUST ASSESS THE APPROPRIATE NUMBER OF COPIES OF THE DOCUMENT TO BE SERVED \* UNLESS CLERK IS TO EMAIL, THEN NO COPY FEE IS REQUIRED\***

**FILE MARKED DATE OF DOCUMENT TO BE SERVED:** 10 / 08 / 2020

**PARTY TO BE SERVED:** (PLEASE FILL OUT A NEW REQUEST FORM PER PARTY TO BE SERVED)

NAME: WALGREEN CO. D/B/A WALGREENS

ADDRESS: 211 E.7th Street, Suite 620, Austin, Texas 78701

AGENT, IF APPLICABLE: Prentice Hall Corporation System

**PARTY/ATTORNEY REQUESTING SERVICE:**

NAME: Dustin Brown

MAILING ADDRESS: 2600 K Avenue, Suite 180, Plano, TX 75074

PHONE NUMBER: (214) 570-4944 FAX NUMBER: (214) 540-4561

EMAIL ADDRESS: Dustin@seriousinjury.legal

P.O. Box 9570

**POTTER COUNTY**

Phone: 806-379-2300

Amarillo, Texas 79105-9570

Carley Snider, District Clerk

Fax: 806-372-5061

501 S. Fillmore-Suite 1B

<http://www.co.potter.tx.us/page/potter.District.Clerk> districtclerk@co.potter.tx.us

THE STATE OF TEXAS

CIVIL

CITATION-PERSONAL SERVICE

CAUSE NO. 110021-E-CV

STYLE: EDDIE BRIGHT VS. WALGREEN CO. D/B/A WALGREENS

IN AND FOR THE: 108TH DISTRICT COURT

TO: WALGREEN CO. D/B/A WALGREENS BY SERVING ITS REGISTERED AGENT PRENTICE HALL  
CORPORATION SYSTEM, 211 E. 7TH STREET, SUITE 620, AUSTIN TX 78701

**NOTICE:** YOU HAVE BEEN SUED. YOU MAY EMPLOY AN ATTORNEY. IF YOU OR YOUR ATTORNEY DO NOT  
FILE A **WRITTEN ANSWER** WITH THE CLERK WHO ISSUED THIS CITATION BY 10:00 A.M. ON THE  
MONDAY NEXT FOLLOWING THE EXPIRATION OF TWENTY DAYS AFTER YOU WERE SERVED THIS  
CITATION AND PETITION, A DEFAULT JUDGMENT MAY BE TAKEN AGAINST YOU.

THE ADDRESS OF THE CLERK IS SHOWN ABOVE. THE PLAINTIFF'S PETITION WAS FILED OCTOBER 08,  
2020 IN THE 108TH DISTRICT COURT LOCATED AT AMARILLO, POTTER COUNTY, TEXAS.

ATTACHED HERETO IS: PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCOVERY

THE ATTORNEY FOR THE PLAINTIFF IS:

DUSTIN BROWN

2600 K AVENUE SUITE 180  
PLANO TX 75074

214-570-4944

ISSUED AND GIVEN UNDER MY HAND AND SEAL: OCTOBER 13, 2020

CARLEY SNIDER, CLERK OF THE COURT  
POTTER COUNTY, TEXAS  
(OFFICER'S RETURN FOLLOWS)

BY DEPUTY:

*Kelly Graves*  
**ORIGINAL FOR RETURN**



P.O. Box 9570

**POTTER COUNTY**

Phone: 806-379-2300

Amarillo, Texas 79105-9570

Carley Snider, District Clerk

Fax: 806-372-5061

501 S. Fillmore-Suite 18

<http://www.co.potter.tx.us/page/potter.District.Clerk> districtclerk@co.potter.tx.us

**RETURN OF SERVICE**

CAUSE NO. 110021-E-CV

STYLE: EDDIE BRIGHT VS. WALGREEN CO. D/B/A WALGREENS

IN AND FOR THE: 108TH DISTRICT COURT

CAME TO HAND ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, AT \_\_\_\_\_, O'CLOCK \_\_\_\_M., AND EXECUTED IN \_\_\_\_\_ COUNTY, TEXAS BY PERSONALLY DELIVERING TO THE NAMED DEFENDANT(S), A TRUE COPY OF THIS CITATION WITH THE DATE OF DELIVERY ENDORSED THEREON, TOGETHER WITH ACCOMPANYING COPY OF PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCOVERY, IN PERSON, AT THE FOLLOWING TIMES AND PLACES, TO-WIT:

**NAME OF INDIVIDUAL, CORPORATION, OR AGENT SERVED:**

**ADDRESS:** \_\_\_\_\_

**DATE:** \_\_\_\_\_, 20\_\_\_\_ AT \_\_\_\_\_ O'CLOCK \_\_\_\_M.

AND NOT EXECUTED AS TO THE DEFENDANT(S),

THE DILIGENCE USED IN FINDING SAID DEFENDANT(S) BEING:

AND THE CAUSE OR FAILURE TO EXECUTE THIS PROCESS IS:

AND THE INFORMATION RECEIVED AS TO THE WHEREABOUTS OF SAID DEFENDANT(S) BEING:

**FEES:**

SERVING CITATION \$ \_\_\_\_\_

\_\_\_\_\_, SHERIFF  
\_\_\_\_\_, COUNTY, TEXAS  
BY: \_\_\_\_\_, DEPUTY  
\_\_\_\_\_, AFFIANT

**COMPLETE IF YOU ARE A PERSON OTHER THAN A SHERIFF, CONSTABLE, OR CLERK OF THE COURT.**

IN ACCORDANCE WITH RULE 107: THE OFFICER OR AUTHORIZED PERSON WHO SERVES, OR ATTEMPTS TO SERVE, A CITATION SHALL SIGN THE RETURN. THE RETURN MUST EITHER BE VERIFIED OR BE SIGNED UNDER PENALTY OF PERJURY. A RETURN SIGNED UNDER PENALTY OF PERJURY MUST CONTAIN THE STATEMENT BELOW IN SUBSTANTIALLY THE FOLLOWING FORM:

"MY NAME IS \_\_\_\_\_, MY DATE OF BIRTH IS \_\_\_\_\_, AND MY ADDRESS IS \_\_\_\_\_.

**I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.**

Executed in \_\_\_\_\_ County, State of \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Declarant/Authorized Process Server

\_\_\_\_\_  
ID # & expiration of certification

P.O. Box 9570

**POTTER COUNTY**

Phone: 806-379-2300

Amarillo, Texas 79105-9570

Carley Snider, District Clerk

Fax: 806-372-5061

501 S. Fillmore-Suite 1B

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THE STATE OF TEXAS

CIVIL

**CITATION-PERSONAL SERVICE**

CAUSE NO. 110021-E-CV

STYLE: EDDIE BRIGHT VS. WALGREEN CO. D/B/A WALGREENS

IN AND FOR THE: 108TH DISTRICT COURT

TO: WALGREEN CO. D/B/A WALGREENS BY SERVING ITS REGISTERED AGENT PRENTICE HALL CORPORATION SYSTEM, 211 E. 7TH STREET, SUITE 620, AUSTIN TX 78701

**NOTICE:** YOU HAVE BEEN SUED. YOU MAY EMPLOY AN ATTORNEY. IF YOU OR YOUR ATTORNEY DO NOT FILE A **WRITTEN ANSWER** WITH THE CLERK WHO ISSUED THIS CITATION BY 10:00 A.M. ON THE MONDAY NEXT FOLLOWING THE EXPIRATION OF TWENTY DAYS AFTER YOU WERE SERVED THIS CITATION AND PETITION, A DEFAULT JUDGMENT MAY BE TAKEN AGAINST YOU.

THE ADDRESS OF THE CLERK IS SHOWN ABOVE. THE PLAINTIFF'S PETITION WAS FILED OCTOBER 08, 2020 IN THE 108TH DISTRICT COURT LOCATED AT AMARILLO, POTTER COUNTY, TEXAS.

ATTACHED HERETO IS: PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCOVERY

THE ATTORNEY FOR THE PLAINTIFF IS:

DUSTIN BROWN

2600 K AVENUE SUITE 180  
PLANO TX 75074

214-570-4944

**ISSUED AND GIVEN UNDER MY HAND AND SEAL: OCTOBER 13, 2020**

CARLEY SNIDER, CLERK OF THE COURT  
POTTER COUNTY, TEXAS  
(OFFICER'S RETURN FOLLOWS)

BY DEPUTY:

*Kelly Graves*  
**DEFENDANT'S  
COPY**

P.O. Box 9570

**POTTER COUNTY**

Phone: 806-379-2300

Amarillo, Texas 79105-9570

Carley Snider, District Clerk

Fax: 806-372-5061

501 S. Fillmore-Suite 1B

<http://www.co.potter.tx.us/page/potter.District.Clerk> districtclerk@co.potter.tx.us

**RETURN OF SERVICE**

CAUSE NO. 110021-E-CV

STYLE: EDDIE BRIGHT VS. WALGREEN CO. D/B/A WALGREENS

IN AND FOR THE: 108TH DISTRICT COURT

CAME TO HAND ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_ AT \_\_\_\_\_, O'CLOCK \_\_\_\_M., AND  
EXECUTED IN \_\_\_\_\_ COUNTY, TEXAS BY PERSONALLY DELIVERING TO THE  
NAMED DEFENDANT(S), A TRUE COPY OF THIS CITATION WITH THE DATE OF DELIVERY ENDORSED THEREON,  
TOGETHER WITH ACCOMPANYING COPY OF PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCOVERY, IN  
PERSON, AT THE FOLLOWING TIMES AND PLACES, TO-WIT:

**NAME OF INDIVIDUAL, CORPORATION, OR AGENT SERVED:**

**ADDRESS:** \_\_\_\_\_

**DATE:** \_\_\_\_\_, 20\_\_\_\_ AT \_\_\_\_\_ O'CLOCK \_\_\_\_M.

AND NOT EXECUTED AS TO THE DEFENDANT(S),

THE DILIGENCE USED IN FINDING SAID DEFENDANT(S) BEING:

AND THE CAUSE OR FAILURE TO EXECUTE THIS PROCESS IS:

AND THE INFORMATION RECEIVED AS TO THE WHEREABOUTS OF SAID DEFENDANT(S) BEING:

**FEES:**

SERVING CITATION \$ \_\_\_\_\_

\_\_\_\_\_, SHERIFF  
\_\_\_\_\_, COUNTY, TEXAS  
BY: \_\_\_\_\_, DEPUTY  
\_\_\_\_\_, AFFIANT

**COMPLETE IF YOU ARE A PERSON OTHER THAN A SHERIFF, CONSTABLE, OR CLERK OF THE COURT.**

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ADDRESS IS \_\_\_\_\_.

**I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.**

Executed in \_\_\_\_\_ County, State of \_\_\_\_\_, on the  
\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Declarant/Authorized Process Server

\_\_\_\_\_  
ID # & expiration of certification

**CAUSE NO. 110021-E-CV**

**EDDIE BRIGHT**  
**PLAINTIFF**

**VS.**

**WALGREEN CO. D/B/A WALGREENS  
DEFENDANT**

**IN THE 108th District Court**

POTTER COUNTY, TX

## RETURN OF SERVICE

**ON Thursday, October 15, 2020 AT 5:41 AM**

CITATION, PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCOVERY for service on WALGREEN CO. D/B/A WALGREENS C/O PRENTICE HALL CORPORATION SYSTEM came to hand.

**ON Friday, October 16, 2020 AT 11:55 AM, I, ADRIANA ADAM, PERSONALLY DELIVERED THE ABOVE-NAMED DOCUMENTS TO: WALGREEN CO. D/B/A WALGREENS C/O PRENTICE HALL CORPORATION SYSTEM , by delivering to JASON SPIDEL, 211 E 7TH ST STE 620, AUSTIN, TRAVIS COUNTY, TX 78701.**

**My name is ADRIANA ADAM. My address is 14524A HARRIS RIDGE BLVD. UNIT A, PFLUGERVILLE, TX 78660. I am a private process server certified by the Texas Judicial Branch Certification Commission (PSC 17714, expires 10/31/2021). My e-mail address is info@easy-serve.com. My date of birth is 3/30/1992. I am in all ways competent to make this statement, and this statement is based on personal knowledge. I am not a party to this case and have no interest in its outcome. I declare under penalty of perjury that the foregoing is true and correct.**

Executed in TRAVIS COUNTY, TX on Friday, October 16, 2020.

/S/ ADRIANA ADAM

**EDDIE BRIGHT**

Doc ID: 276911\_1

P.O. Box 9570

**POTTER COUNTY**

Phone: 806-379-2300

Amarillo, Texas 79105-9570

Carley Snider, District Clerk

Fax: 806-372-5061

501 S. Fillmore-Suite 1B

<http://www.co.potter.tx.us/page/potter.District.Clerk> districtclerk@co.potter.tx.us

THE STATE OF TEXAS

CIVIL

CITATION-PERSONAL SERVICE

CAUSE NO. 110021-E-CV

STYLE: EDDIE BRIGHT VS. WALGREEN CO. D/B/A WALGREENS

IN AND FOR THE: 108TH DISTRICT COURT

TO: WALGREEN CO. D/B/A WALGREENS BY SERVING ITS REGISTERED AGENT PRENTICE HALL  
CORPORATION SYSTEM, 211 E. 7TH STREET, SUITE 620, AUSTIN TX 78701

**NOTICE:** YOU HAVE BEEN SUED. YOU MAY EMPLOY AN ATTORNEY. IF YOU OR YOUR ATTORNEY DO NOT  
FILE A **WRITTEN ANSWER** WITH THE CLERK WHO ISSUED THIS CITATION BY 10:00 A.M. ON THE  
MONDAY NEXT FOLLOWING THE EXPIRATION OF TWENTY DAYS AFTER YOU WERE SERVED THIS  
CITATION AND PETITION, A DEFAULT JUDGMENT MAY BE TAKEN AGAINST YOU.

THE ADDRESS OF THE CLERK IS SHOWN ABOVE. THE PLAINTIFF'S PETITION WAS FILED OCTOBER 08,  
2020 IN THE 108TH DISTRICT COURT LOCATED AT AMARILLO, POTTER COUNTY, TEXAS.

ATTACHED HERETO IS: PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCOVERY

THE ATTORNEY FOR THE PLAINTIFF IS:

DUSTIN BROWN

2600 K AVENUE SUITE 180  
PLANO TX 75074

214-570-4944

ISSUED AND GIVEN UNDER MY HAND AND SEAL: OCTOBER 13, 2020

CARLEY SNIDER, CLERK OF THE COURT  
POTTER COUNTY, TEXAS  
(OFFICER'S RETURN FOLLOWS)

BY DEPUTY:

*Kiley Snider*  
**ORIGINAL FOR RETURN**



P.O. Box 9570

**POTTER COUNTY**

Phone: 806-379-2300

Amarillo, Texas 79105-9570

Carley Snider, District Clerk

Fax: 806-372-5061

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**RETURN OF SERVICE**

CAUSE NO. 110021-E-CV

STYLE: EDDIE BRIGHT VS. WALGREEN CO. D/B/A WALGREENS

IN AND FOR THE: 108TH DISTRICT COURT

CAME TO HAND ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, AT \_\_\_\_\_, O'CLOCK \_\_\_\_M., AND  
EXECUTED IN \_\_\_\_\_ COUNTY, TEXAS BY PERSONALLY DELIVERING TO THE  
NAMED DEFENDANT(S), A TRUE COPY OF THIS CITATION WITH THE DATE OF DELIVERY ENDORSED THEREON,  
TOGETHER WITH ACCOMPANYING COPY OF PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCOVERY, IN  
PERSON, AT THE FOLLOWING TIMES AND PLACES, TO-WIT:

**NAME OF INDIVIDUAL, CORPORATION, OR AGENT SERVED:**

**ADDRESS:** \_\_\_\_\_

**DATE:** \_\_\_\_\_, 20\_\_\_\_ AT \_\_\_\_\_ O'CLOCK \_\_\_\_M.

AND NOT EXECUTED AS TO THE DEFENDANT(S),

THE DILIGENCE USED IN FINDING SAID DEFENDANT(S) BEING:

AND THE CAUSE OR FAILURE TO EXECUTE THIS PROCESS IS:

AND THE INFORMATION RECEIVED AS TO THE WHEREABOUTS OF SAID DEFENDANT(S) BEING:

**FEES:**

SERVING CITATION \$ \_\_\_\_\_

\_\_\_\_\_, SHERIFF  
\_\_\_\_\_, COUNTY, TEXAS  
BY: \_\_\_\_\_, DEPUTY  
\_\_\_\_\_, AFFIANT

**COMPLETE IF YOU ARE A PERSON OTHER THAN A SHERIFF, CONSTABLE, OR CLERK OF THE COURT.**

IN ACCORDANCE WITH RULE 107: THE OFFICER OR AUTHORIZED PERSON WHO SERVES, OR ATTEMPTS TO SERVE, A CITATION SHALL SIGN THE RETURN. THE RETURN MUST EITHER BE VERIFIED OR BE SIGNED UNDER PENALTY OF PERJURY. A RETURN SIGNED UNDER PENALTY OF PERJURY MUST CONTAIN THE STATEMENT BELOW IN SUBSTANTIALLY THE FOLLOWING FORM:

"MY NAME IS \_\_\_\_\_, MY DATE OF BIRTH IS \_\_\_\_\_, AND MY  
ADDRESS IS \_\_\_\_\_.

**I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.**

Executed in \_\_\_\_\_ County, State of \_\_\_\_\_, on the  
\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Declarant/Authorized Process Server

\_\_\_\_\_  
ID # & expiration of certification

CAUSE NO. 110021-E-CV

EDDIE BRIGHT,	§	IN THE DISTRICT COURT
Plaintiff,	§	
	§	
vs.	§	108 <sup>th</sup> JUDICIAL DISTRICT
	§	
WALGREEN CO. DBA WALGREENS,	§	
Defendant.	§	POTTER COUNTY, TEXAS

**DEFENDANT'S MOTION TO TRANSFER VENUE  
 AND ORIGINAL ANSWER**

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES Walgreen Co. dba Walgreens, Defendant, and files this Motion to Transfer Venue, AND SUBJECT THERETO, Original Answer, and in support thereof would respectfully show the Court as follows:

**I. MOTION TO TRANSFER VENUE**

1. No basis exists for permitting venue in Potter County, as alleged in Plaintiff's Original Petition under any of the general venue rules provided by Section 15.002(a) of the Civil Practice and Remedies Code. Defendant specifically denies Plaintiff's venue allegations as set forth in Paragraph 6 of Plaintiff's Original Petition. More specifically, Defendant denies that "Potter County is a proper venue in this cause under Section 15.002(a)(1) of the Texas Civil Practice & Remedies Code because all or a substantial portion of the acts or omissions giving rise to this lawsuit occurred in this county", as this alleged incident occurred in Randall County, Texas.

2. Further, Defendant's principal office is in Illinois, not in Potter County, Texas.

**II. ORIGINAL ANSWER**

3. SUBJECT TO its motion to transfer venue, pursuant to T.R.C.P. 92, Defendant generally denies all allegations of the adverse party.

4. Defendant intends to rely upon affirmative defenses herein, including, but not limited to, those affirmative defenses enumerated in TEX. R. CIV. P. 94, together with such other statutory or common law affirmative defenses, whether now in existence or to exist, whether recognized by this state or any other state, which might be raised by the facts in this case.

**PRAYER**

WHEREFORE, Defendant requests that Plaintiff take nothing by reason of the suit, that Defendant recovers its costs of court, and that Defendant recovers such other and further relief that is proper either at law or in equity.

Respectfully submitted,

SPROUSE SHRADER SMITH PLLC  
John F. Massouh, SBN 24026866  
john.massouh@sprouselaw.com  
Blair Saylor Oscarsson, SBN 24056073  
blair.oscarsson@sprouselaw.com  
P. O. Box 15008 (79105-5008)  
701 S. Taylor Street, Suite 500  
Amarillo, Texas 79101  
Tel: (806) 468-3300  
Fax: (806) 373-3454

/s/ Blair Saylor Oscarsson

***Attorneys for Defendant Walgreen Co.***



**CERTIFICATE OF SERVICE**

I hereby certify that on November 6, 2020, the above document was served on each attorney of record via e-service in accordance with the Texas Rules of Civil Procedure.

**Attorney for Plaintiff**

Dustin Brown  
Stanley and Associates, PLLC  
2600 K Avenue, Suite 180  
Plano, Texas 75074  
Tel: (214) 570-4944  
Fax: (214) 540-4561  
dustin@seriousinjury.legal

/s/ Blair Saylor Oscarsson

Blair Saylor Oscarsson